

**Applicant: Falone et al.  
Application No.: 10/659,690**

**REMARKS**

Claims 9-14 are currently pending in this application. Claims 1-8 have been cancelled and claims 9, 10, and 12 have been amended into independent form to include each of the elements of their respective independent claim. Claims 13 and 14 have been amended to correct typographical errors. The scope of claims 9, 10, and 12-14 has not been changed.

No new matter is added to the application by this amendment.

**COMMUNICATION WITH EXAMINER**

During a May 19, 2004 telephone communication between Examiner Graham and Ruy Garcia-Zamor the status of claims 9-14 were discussed. Examiner Graham stated that claims 9-14 were not rejected over prior art because they would be allowable once the non-statutory double patenting rejections were overcome. Applicants thank Examiner Graham for the courtesies extended during the telephone communication.

**NON-STATUTORY DOUBLE PATENTING REJECTIONS**

Claims 1-14 have been rejected based on obviousness-type double patenting based on a prior patent and have been provisionally rejected based on obviousness-type

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double patenting based on copending applications. Applicants respectfully submit that the rejections of claims 1-8 are moot due to cancellation of those claims. Enclosed herewith are two separate terminal disclaimers. One terminal disclaimer is directed to the prior patent and the second terminal disclaimer is directed to the copending applications.

In view of the two terminal disclaimers submitted herewith, Applicants respectfully request that the Examiner reconsider and withdraw the provisional and non provisional non-obvious double patenting rejections of claims 9-14.

#### **CLAIM REJECTIONS**

Claims 1-8 have been rejected based on prior art. Applicant respectfully submits that the rejections of claims 1-8 are moot due to cancellation of those claims. Applicants respectfully request that the Examiner reconsider and withdraw the rejections of claims 1-8, in view of their cancellation.

#### **INVITATION**

If the examiner believes that any additional matters need to be addressed to place this application in condition for allowance, the examiner is respectfully invited to contact the undersigned, by telephone, at the examiner's convenience.

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### **CONCLUSION**

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 9-14, is in condition for allowance and a notice to that effect is respectfully solicited.

Respectfully submitted,

Falone et al.

By

  
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